

AN ACT
RELATING TO LAW ENFORCEMENT; ELIMINATING THE TAXATION AND
REVENUE DEPARTMENT'S LAW ENFORCEMENT POWERS RELATING TO
MOTOR CARRIERS; TRANSFERRING THE POWERS AND LAW ENFORCEMENT
PERSONNEL TO THE DEPARTMENT OF PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 65-1-2 NMSA 1978 (being Laws 1978,
Chapter 19, Section 1, as amended) is amended to read:

"65-1-2. DEFINITIONS. --As used in the Motor
Transportation Act:

A. "combination" means any connected assemblage
of a motor vehicle and one or more semitrailers, trailers or
semitrailers converted to trailers by means of a converter
gear;

B. "combination gross vehicle weight" means the
sum total of the gross vehicle weights of all units of a
combination;

C. "commercial motor carrier vehicle" means any
motor vehicle with a gross vehicle weight of twelve thousand
pounds or more used or reserved for use in the
transportation of persons or property for hire, compensation
or profit or in the furtherance of a commercial enterprise
or any vehicle designed, used or maintained primarily for
the transportation of property or for drawing other vehicles

so designed, used or maintained;

D. "converter gear" means any assemblage of one or more axles with a fifth wheel mounted thereon designed for use in a combination to support the front end of a semitrailer, but not permanently attached thereto. A "converter gear" shall not be considered a vehicle as that term is used in Chapter 66 NMSA 1978, but weight attributable thereto shall be included in declared gross weight;

E. "declared gross weight" means maximum gross vehicle weight or combination gross vehicle weight at which a vehicle or combination will be operated during the registration period as declared by the registrant for registration and fee purposes. The vehicle or combination shall have only one "declared gross weight" for all operating considerations;

F. "department", without modification, means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

G. "director" means the secretary;

H. "division" or "motor transportation division" means the department;

I. "evidence of registration" means any

documentation issued by the department identifying a motor carrier vehicle as being registered with New Mexico or documentation issued by another state pursuant to the terms of a multistate agreement on registration of vehicles to which this state is a party identifying a motor carrier vehicle as being registered with that state; provided that evidence of payment of the weight distance tax and permits obtained under either the Special Fuels Supplier Tax Act or Trip Tax Act are not "evidence of registration";

J. "field inspection" or "in the field" means establishing ports of entry for the purpose of checking motor carriers and includes similar activities;

K. "fleet" means one or more motor carrier vehicles, either commercial or noncommercial but not mixed, that are operated in this and at least one other jurisdiction;

L. "freight trailer" means any trailer, semitrailer or pole trailer drawn by a truck tractor or road tractor and any trailer, semitrailer or pole trailer drawn by a truck that has a gross vehicle weight of more than twenty-six thousand pounds, but the term does not include house trailers, trailers of less than one-ton carrying capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight;

M. "gross vehicle weight" means the weight of a

vehicle without load plus the weight of any load thereon;

N. "motor carrier" means any person or firm that owns, controls, operates or manages any motor vehicle with a gross vehicle weight of twelve thousand pounds or more that is used to transport persons or property on the public highways of this state;

O. "motor vehicle" means any vehicle or device that is propelled by an internal combustion engine or electric motor power that is used or may be used on the public highways for the purpose of transporting persons or property and includes any connected trailer or semitrailer;

P. "one-way rental fleet" means two or more vehicles each having a gross vehicle weight of under twenty-six thousand one pounds and rented to the public without a driver;

Q. "person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other association; "person" also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or an agency, department or instrumentality thereof; "person" also includes an officer or employee of a corporation, a member or employee of a partnership or any individual who, as such, is under a duty to perform any act in respect of which a violation occurs;

R. "preceding year" means a period of twelve consecutive months fixed by the department, which period is within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department, in fixing that period, shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles;

S. "properly registered" means bearing the lawfully issued and currently valid evidence of registration of this or another jurisdiction, regardless of the owner's residence, except in those cases where the evidence has been procured by misrepresentation or fraud;

T. "public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction;

U. "secretary" means the secretary of taxation and revenue and, except for the purposes of Section 65-1-33 NMSA 1978, also includes the deputy secretary and any division director delegated by the secretary;

V. "state" or "jurisdiction" means a state, territory or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico, a foreign

country or a state or province of a foreign country; and

W. "utility trailer" means any trailer, semitrailer or pole trailer and includes house trailers that exceed neither eight feet in width nor forty feet in length, but does not include freight trailers, trailers of less than one-ton carrying capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight."

Section 2. Section 65-1-6 NMSA 1978 (being Laws 1967, Chapter 97, Section 8, as amended) is amended to read:

"65-1-6. FIELD INSPECTION PURSUANT TO THE MOTOR CARRIER ACT AND RULES. --The department has the authority to:

A. perform inspections in the field pursuant to the provisions of the Motor Carrier Act and the rules promulgated by the state corporation commission pursuant to that act; and

B. maintain sufficient personnel in the field to perform inspections pursuant to the provisions of the Motor Carrier Act and the rules promulgated by the state corporation commission pursuant to that act."

Section 3. Section 65-1-9 NMSA 1978 (being Laws 1967, Chapter 97, Section 11, as amended) is amended to read:

"65-1-9. DEPARTMENT TO ENFORCE LAWS. --The department shall enforce and collect all excise taxes, license fees and other fees and charges of every nature and perform all

inspections and collect all information considered necessary to enforce the laws specifically assigned to the department. The department shall also assist, as far as practicable and in accordance with a proper written agreement, in the enforcement of statutory, administrative and judicial provisions of the federal Motor Carrier Act. "

Section 4. TEMPORARY PROVISION--TRANSFER OF PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On the effective date of this act:

A. all personnel of the taxation and revenue department who are certified law enforcement officers pursuant to the provisions of the Law Enforcement Training Act and who are charged primarily with enforcement of the Motor Transportation Act, the Motor Carrier Act or other laws or rules relating to motor carriers are transferred to the department of public safety;

B. all appropriations, money, records, property, equipment and supplies of the taxation and revenue department and primarily associated with the personnel described in Subsection A of this section are transferred to the department of public safety;

C. all contracts and agreements of the taxation and revenue department relating to the activities of the personnel described in Subsection A of this section are transferred to the department of public safety; and

D. all references in law to law enforcement powers of the taxation and revenue department pursuant to the Motor Transportation Act or the Motor Carrier Act shall be deemed to be references to the powers of the department of public safety.

Section 5. REPEAL. --Section 65-1-7 NMSA 1978 (being Laws 1967, Chapter 97, Section 9, as amended) is repealed.

Section 6. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1998. _____